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STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

OSCO DRUG #1306,

RESPONDENT.

FINAL DECISION AND ORDER

99 PHM 31

LS0007113PHM

The parties to this action for the purposes of §227.53, Wis. Stats., are:

*Albertson's, Inc., a foreign corporation,
d/b/a Osco Drug #1306
9220 Greenfield, WI 53214
West Allis, WI 53214*

*Wisconsin Pharmacy Examining Board
P.O. Box 8935
Madison, WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Osco Drug #1306 is and was at all times relevant to the facts set forth herein a pharmacy licensed in the State of Wisconsin pursuant to license #7592, originally granted on 10/3/1995, and is owned and operated by American Drug Stores, Inc., a subsidiary of Albertson's, Inc., Boise, ID, real party in interest.
2. For the past several years, Osco Drug's pharmacy computer system (System) has included a program to review patient profiles and alert the pharmacist to any irregularities or contraindications from the prescription being dispensed. As part of its workflow process, each pharmacist routinely relied on the System to perform this function. If the System showed an alert, the pharmacist would review the patient profile and make a decision as to whether the medication could be dispensed. If the System did not show an alert, then the pharmacist would not personally review the patient profile before the prescription was dispensed to the patient.
3. The procedure extended to all of Osco's 51 pharmacies in Wisconsin, and to other pharmacies owned by American Drug Stores, Inc., elsewhere. The Board finds that the language of § Phar 7.07(4), Wis. Adm. Code, requires the pharmacist to personally review each patient profile, and, as such, finds that the Osco Drug system is not in compliance.

4. Since this matter came to the Board's attention, Osco Drug has notified its Wisconsin pharmacies that in addition to the System review described above, Osco's pharmacy workflow procedures will allow the pharmacist to either review the patient profile on the computer screen, or have one year of the patient's profile of prescriptions printed for review by the pharmacist during the prescription filling process, at which time the pharmacist can determine if a further review of the profile is necessary. If implemented as represented, this procedure will comply with § Phar 7.07(4), Wis. Adm. Code.

CONCLUSIONS OF LAW

A. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to §450.10, Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

B. The conduct described in paragraph 2, above, violated § Phar 7.07(4) Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes. At the time a prescription order is dispensed, the pharmacist must review the medication history and determine whether the prescription order presented should be dispensed. A computer check may be used only as an aid, and not as a replacement for a pharmacist reviewing a patient's prescription profile.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Osco Drug # 1306, is REPRIMANDED for its unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that Albertson's, Inc., d/b/a Osco Drug #1306, shall FORFEIT \$25,000, to be paid within 30 days of this order.

IT IS FURTHER ORDERED, that respondent shall pay COSTS in this matter in the amount of \$1,100, within 30 days of this order.

Dated this July 11, 2000.

WISCONSIN PHARMACY EXAMINING BOARD, by:

John Bohlman

a member of the board